

AO 106 (Rev. 07/19) Application for a Search Warrant

United States District Court
for the
Western District of New York

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address.)

INFORMATION ASSOCIATED WITH DISCORD ACCOUNT USERNAME
STEVEP14#2138 AND USER ID 749397452078972948.

Case No. 21-MJ-555

APPLICATION FOR A SEARCH WARRANT

I, ADAM T. PARADOWSKI, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See **Attachment A**, PROPERTY TO BE SEARCHED, attached hereto and incorporated herein by reference, located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See **Attachment B**, PARTICULAR THINGS TO BE SEIZED, all of which is evidence, fruits and instrumentalities of violations of Title 18, United States Code, Sections 371, 245(b)(2)(B), 249(a)(1), 875(c), 922(g)(1), and 1512(b)(2)(B), as set forth in the attached affidavit, and all of which are more fully described in the application and affidavit filed in support of this warrant, the allegations of which are adopted and incorporated by reference as if fully set forth herein.

The basis for search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of Title 18, United States Code, Section 371, 245(b)(2)(B), 249(a)(1), 875(c), 922(g)(1), and 1512(b)(2)(B).

The application is based on these facts:

- ☒ See affidavit in support of search warrant attached hereto and incorporated herein by reference.

☐ Delayed notice of ____ days after the collection period authorized by the warrant (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

ADAM T. PARADOWSKI
Special Agent, FBI

Printed name and title

Application submitted electronically by email in .pdf format. Oath administered and contents and signature

attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4 (d)(3).

Date: April 2, 2021

City and state: Rochester, New York



Judge's signature

HONORABLE MARK W. PEDERSEN
United States Magistrate Judge, WDNY

ATTACHMENT A

PROPERTY TO BE SEARCHED

This warrant applies to information that is stored at premises controlled by Discord, Inc., a provider of electronic communications and remote computing services, headquartered at 444 De Haro Street, Suite 200, San Francisco, California 94107, relating to the account associated with Username Stevep14#2138 and User ID 749397452078972948, which was registered on August 29, 2020.

ATTACHMENT B

PARTICULAR THINGS TO BE SEIZED

I. Information to be Disclosed by Discord, Inc.

To the extent that the information described in Attachment A is within the possession, custody, or control of Discord, Inc. (“Discord”), regardless of whether such information is located within or outside of the United States, and including any messages, communications, records, files, logs, or information that has been deleted but is still available to Discord, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Discord is required to disclose the following information to the government for the account associated with Username Stevep14#2138 and User ID 749397452078972948 (“TARGET ACCOUNT”):

- a. All registration, identity and contact information, including full name, date of birth, gender, contact email addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the TARGET ACCOUNT;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of the sign-up for the TARGET ACCOUNT;
- d. All IP logs and other documents showing the IP address, date and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All privacy and account settings;

g. All log data, including browser type, operating system, referring web pages, pages visited, location, mobile carrier, device and application IDs, search terms, and cookie information;

h. Any and all messages and attachments (including photographs, videos and other images) sent to or received by the TARGET ACCOUNT, whether in a server or in direct messages. This includes any and all content sent or received in the messages, date and timestamp of when content was sent or received in the messages, attachments (including photographs, videos and other images), and the date and timestamp of when the attachment was sent or received and to whom it was sent or received;

i. A listing of any and all groups, servers, or channels that the TARGET ACCOUNT owns, administers, or is a member of; and

j. All records pertaining to communications between Discord and any person regarding the account, including contacts with support services and records of actions taken.

II. Information to be Seized by Law Enforcement Personnel

Any and all records and information described in Section I that constitutes evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 371, 245(b)(2)(B), 249(a)(1), 875(c), 922(g)(1), and 1512(b)(2)(B) (“TARGET OFFENSES”) from the inception of the TARGET ACCOUNT on August 29, 2020, through and including the present, relating to the following:

a. Any records, stored content, communications, messages and information relating to acts of intimidation and/or threats of violence or injury against others;

b. Any records, stored content, communications, messages and information expressing animus or hostility based on race or color;

c. Any records, stored content, communications, messages and information indicating support for, association with and/or membership in white supremacist, extremist and/or hate groups;

d. Any records, stored content, communications, messages and information expressing animus or hostility to individuals and/or groups believed to be involved in or associated with social justice and/or political protests;

e. Any records, stored content, communications, messages and information relating to plans to intimidate, threaten, or commit acts of violence against others, including racial and/or ethnic minorities, and individuals and/or groups believed to be involved in or associated with social justice and/or political protests;

f. Any records, stored content, communications, messages and information relating to the names, addresses or other personal information of individuals believed to be involved in or associated with social justice and/or political protests;

g. Any records, stored content, communications, messages and information relating to an ideology providing alleged justification or motive for threatening individuals based on their race and/or color, individuals believed to be involved in or associated with social justice and/or political protests, and groups believed to be involved in social justice and/or political protests;

h. Any records, stored content, communications, messages and information relating to efforts to obtain firearms, ammunition, firearm accessories and body armor;

i. Any records, stored content, communications, messages and information relating to the acquisition, transfer, use and/or possession of firearms, ammunition, firearm accessories and body armor;

j. Any records, stored content, communications, messages and information relating to the manufacture of firearms;

k. Any records, stored content, communications, messages and information relating to efforts to destroy evidence, including, but not limited to, digital evidence contained in social media accounts; and

l. Any records, stored content, communications, messages and information relating to who created, used, or communicated with the TARGET ACCOUNT.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

State of New York)
County of Monroe)
City of Rochester)

SS:

Case No. 21-MJ-555

I, ADAM T. PARADOWSKI, being duly sworn, depose and state the following:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have served in this capacity for approximately two years. I am currently assigned to the Joint Terrorism Task Force (JTTF), Buffalo Division, in Rochester, New York. At the JTTF, I work with a team of federal, state, and local law enforcement agents and officers on investigations relating to domestic and international terrorism. During my tenure with the FBI, I have also attended intensive training on counterterrorism and other types of investigations, including counterintelligence, white collar crime, public corruption, organized crime, and narcotics. Prior to my employment with the FBI, I worked for approximately five years as a Border Patrol Agent with the United States Customs and Border Patrol. I am familiar with digital evidence commonly possessed and used by those involved in criminal activities. I have also conferred with other FBI Special Agents who have expertise and experience in counterterrorism investigations and digital evidence.

2. As a Special Agent with the FBI, I am a “[f]ederal law enforcement officer” within the meaning of Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure, that is, a government agent engaged in the enforcement of the criminal laws of the United States and thereby authorized to request the issuance of federal search and seizure warrants.

3. I make this affidavit in support of an application for a search warrant for information relating to the Discord account associated with the Username Stevep14#2138, User ID 749397452078972948, and e-mail address "stephenpattison15@gmail.com" (hereinafter, "TARGET ACCOUNT"). The requested information is stored at premises owned, maintained, controlled, or operated by Discord, Inc. ("Discord" or "the Service Provider"), an electronic communications service provider headquartered at 444 De Haro Street, Suite 200, San Francisco, California 94107.

4. The information to be searched is described below and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), to require the provider to disclose to the government copies of the information (including the content of communications) described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, law enforcement agents and/or individuals assisting law enforcement and acting at their direction will review that information to locate the items described in Section II of Attachment B.

5. The assertions made herein are based on my personal knowledge and information I have gathered during this investigation, including information from law enforcement officers and agents assigned to the Rochester JTTF, records from Facebook Inc. and Discord Inc., recorded jail telephone calls from the Monroe County Jail, information from a search warrant executed on the cellular telephone used by STEPHEN REED PATTISON (which was seized on October 30, 2020), and information from public sources and databases, all of which are true and correct to the best of my knowledge and belief. Further, I have had discussions with law enforcement officers involved in this investigation who have confirmed

the accuracy of the information contained within this affidavit. Because this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause to obtain the requested search warrant.

6. Based on my training and experience, and the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that STEPHEN REED PATTISON and others, known and unknown, have committed violations of 18 U.S.C. §§ 371 (conspiracy to interfere with federally protected activities), 245(b)(2)(B) (interference with federally protected activities), 249(a)(1) (hate crimes), 875(c) (interstate threats), 922(g)(1) (felon in possession of firearms and ammunition), and 1512(b)(2)(B) (obstruction of justice), and that evidence, fruits and instrumentalities of those offenses are present in the TARGET ACCOUNT. I further submit there is probable cause to search the TARGET ACCOUNT, as described in Attachment A, for the information described in Attachment B.

RELEVANT STATUTES

7. As set forth above, I submit there is probable cause to believe that PATTISON and others have committed violations of 18 U.S.C. §§ 371, 245(b)(2)(B), and 249(a)(1) (hereinafter collectively referred to as “civil rights offenses”); 18 U.S.C. § 875(c) (hereinafter referred to as “interstate threat offense”); 18 U.S.C. § 922(g)(1) (hereinafter referred to as “firearms offense”); and 18 U.S.C. § 1512(b)(2)(B) (hereinafter referred to as “obstruction offense”). A summary of the relevant statutes is set forth below.

a. Section 245(b)(2)(B) makes it a federal crime for a person to use force or the threat of force to willfully injure, intimidate or interfere with (or attempt to injure, intimidate

or interfere with) “any person because of his race [or] color, . . . and because he is or has been . . . participating in or enjoying any . . . facility . . . provided or administered by any State or subdivision thereof.” Based on conversations with the assigned Assistant United States Attorney, I am aware that the Second Circuit has held that a “public street” falls within the definition of a “facility” under 18 U.S.C. § 245(b)(2)(B). *United States v. Nelson*, 277 F.3d 164, 193 (2d Cir. 2002) (internal quotation marks and brackets omitted). I am also aware that, under the relevant law, to prove that a person acted “because of [the victim’s] race or color,” the government is required to prove that race was a “but-for” cause of a person’s use of force or threat of force and willful intimidation. *See Burrage v. United States*, 571 U.S. 204, 213 (2014) (explaining the term “because of” denotes a “but-for” requirement); *see also United States v. Feldman*, 936 F.3d 1288, 1316 (11th Cir. 2019). Race need not be the *only* factor, but it must be a determinative one. *Feldman*, 936 F.3d 1288 (explaining that “*Burrage* made clear that there can be multiple but-for causes of an event” but each must be “necessary” for producing the result);

b. Section 249(a)(1) makes it a federal crime for a person to “willfully cause[] bodily injury to any person . . . because of the actual or perceived race [or] color . . . of any person.” I am aware that this statute requires the same “but-for” causation as required under section 245(b)(2)(B), as discussed above;

c. Section 875(c) makes it a federal crime for a person to “transmit[] in interstate or foreign commerce any communication containing any threat . . . to injure the person of another”;

d. Section 922(g)(1) makes it a federal crime for a person, knowing that he or she was previously convicted of a crime punishable by a term of imprisonment exceeding one year, to possess or receive a firearm or ammunition in or affecting commerce; and

e. Section 1512(b)(2)(B) makes it a federal crime for a person to “corruptly persuade another person, or attempt to do so . . . with intent to alter, destroy, mutilate or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding.”

FACTS ESTABLISHING PROBABLE CAUSE

8. STEPHEN REED PATTISON is a 31-year old white male, who resided at 552 Church Road in Hilton, New York, until his arrest on October 30, 2020. A review of PATTISON’s criminal history reveals that he has one prior felony conviction and two prior misdemeanor convictions. On December 16, 2016, PATTISON was convicted of Domestic Assault 2° (MO. ANN. STAT. § 565.073), a class D felony offense, in the Thirteenth Judicial Circuit in Boone County, Missouri, and sentenced to three years in prison. A parole absconder/violation warrant was issued for PATTISON on or about November 19, 2019. On January 28, 2019, PATTISON was convicted of Menacing 2° (Weapon), a class A misdemeanor, and sentenced to six days in jail in Tonawanda Town Court, Tonawanda, New York. On April 14, 2009, PATTISON was convicted of Hate Crime/Menacing 3° and Criminal Mischief (Intent to Damage Property), both class A misdemeanors, and sentenced to three years of probation in Macedon Town Court, Macedon, New York.

9. Subpoenaed records show that PATTISON used two Facebook accounts in 2020: a Facebook account with the user name “STEVIE PATTISON,” Facebook User ID 100046934495773, and vanity name “stevie.pattison.7,” which was registered on February 3,

2020 (hereinafter, “Facebook account ending in 5773”); and a Facebook account with the user name “STEPHEN PATTISON,” Facebook User ID 100052531131453, and vanity name “stephen.pattison.5268,” which was registered on June 23, 2020 (hereinafter “Facebook account ending in 1453”). As detailed herein, PATTISON used the Facebook accounts ending in 5773 and 1453 to make threatening public posts and to communicate with others about criminal activity.

10. Subpoenaed records show that PATTISON used the TARGET ACCOUNT, which was registered on August 29, 2020. As detailed herein, PATTISON used the TARGET ACCOUNT to communicate privately with others about criminal activity. The investigative team served an initial preservation request on Discord for the TARGET ACCOUNT on November 23, 2020, and a second preservation request on February 19, 2021.

PATTISON’s Arrest on October 30, 2020

11. On October 30, 2020, PATTISON was arrested during a traffic stop by the United States Marshals Task Force. The basis for the arrest was a parole absconder warrant from his 2016 conviction in Missouri for Domestic Assault 2°. At the time of the arrest, a cell phone – later determined to be assigned number (585) 694-8821 – fell to the ground and PATTISON confirmed that the cell phone belonged to him. The cell phone was enclosed in a black case bearing the numbers “14” and “88”,¹ the Nazi “SS” symbol, and a white power crosshair symbol. Inside the case was a hand drawn American flag with the words, “United we stand as

¹ The numbers “14” and “88” are commonly associated with white supremacist ideology. Specifically, the number “14” is shorthand for the “14 words” slogan, “We must secure the existence of our people and a future for white children.” The number “88” is a reference to “HH” (H being the eighth letter of the alphabet), which stands for “Heil Hitler.” Based on my training and experience, use of these numbers signifies an endorsement of white supremacist ideology.

we watch U fall.” I will refer to this cell phone as “PATTISON’s cell phone” throughout this affidavit.

FACTS RELATING TO INTERSTATE THREAT AND CIVIL RIGHTS OFFENSES

12. On November 12, 2020, the Honorable Marian W. Payson, United States Magistrate Judge, Western District of New York, issued a search warrant for PATTISON’s cell phone. A subsequent review of PATTISON’s cell phone revealed numerous chats and messages in which PATTISON – a self-described racist – expressed support for white supremacist ideology, racial animus and/or open hostility to social and political groups, particularly ANTIFA and “Black Lives Matter” (BLM). For example, PATTISON’s cell phone contained various images that read “White Lives Matter More,” “Goodnight Antifa Scum” (with a silhouette of an individual assaulting another individual lying on the ground), “Hospitalize Your Local Antifa Scumbag,” and “Anti-Antifa.” In addition, PATTISON’s cell phone contained numerous photographs and images of Nazi and white supremacist propaganda, including references to “14” and “88,” Blood and Honour, Combat 18, and American Defense Skinheads (ADS).

Facebook Messages

13. A review of PATTISON’S cell phone and public source information shows that he used Facebook to make threats and to discuss the fight against ANTIFA/BLM protesters. Summaries of several relevant Facebook messages are set forth below.²

14. On May 25, 2020, George Floyd died during an encounter with Minneapolis Police Department officers in Minneapolis, Minnesota. Subsequently, large groups of people

² The Facebook messages contain numerous spelling and grammatical errors. I have included verbatim versions of those messages in this affidavit. In the interest of brevity and clarity, I have not identified or corrected those errors in the selected messages.

engaged in several nights of protests in Rochester. At various times during the protests, some protesters damaged property, looted stores and set a construction trailer and several vehicles on fire (including a marked Rochester Police Department (RPD) vehicle parked in front of the Public Safety Building).

15. On or about September 2, 2020, it was publicly revealed that Daniel Prude died on March 30, 2020, one week after an encounter with RPD police officers. In the wake of that public disclosure, large groups of people engaged in several nights of protests in Rochester. At various times during the protests, some protesters engaged in conduct that resulted in property damage and physical injury to RPD police officers. On one occasion, a group of protesters damaged property and turned over tables at two restaurants in Rochester, causing numerous patrons to leave. At other times, some protesters hurled rocks, bottles, lit fireworks, and other objects at police officers, and pointed lasers at police officers.

16. Between May 2020 and October 2020, PATTISON aggressively and sometimes violently expressed his disagreement with local protests relating to the deaths of George Floyd and Daniel Prude. PATTISON expressed his disagreement with ANTIFA and BLM through threatening posts on the Facebook accounts ending in 5773 and 1453, and during threatening encounters at counter-protests.

17. On May 30, 2020, PATTISON used the Facebook account ending in 5773 to post the following message, "Rochester NY is at WAR keep ur BLM shit in the city if u come around my family ill fucking kill u." At the time of this post, individuals and social justice groups, including a local BLM group, were engaged in the above-described protests and civil unrest in Rochester. When demonstrators affiliated with BLM engaged in a protest in downtown

Rochester on July 19, 2020 (which included an effort to shut down Interstate 490), PATTISON was part of a group of counter-protesters who confronted the BLM protesters. During the incident, one of the counter-protesters – JOHN FINOCCHARIO, who is a self-proclaimed white supremacist and an associate of PATTISON – attempted to assault a BLM protester but failed to make physical contact.³

18. On or about July 16, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user JEREMY SCOTT WELCH. Referring to the protests in Rochester, PATTISON stated, “[w]e caught one cause he lives on south ave knocked his eyeball out but his homies are from Hudson ave and we cant go there lookin so we sent that message we have a meeting sat and counter protest sun were on it around here enough is enough my brother and we beat up the main Antifa dude down town waited for him to goto the portapotty knocked him out and left his face in the shit part.” PATTISON continued, “Were tired of everything we do is racist or getting worse charges for same crime u call me a cracker I call u a nigger u beat up white women I beat up black women till it stops.”

19. On or about July 19 and 20, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user JOHN FINOCCHARIO, who had attended the counter-protest in Rochester with PATTISON on July 19, 2020. After they attended the protest, PATTISON and FINOCCHARIO discussed the incident. PATTISON stated that he was checking the news coverage of the incident, noting that Channel 8 falsely reported that there were no incidents at the protest and that Channel 10 reported “pushing and shoving.” FINOCCHARIO

³ According to a Facebook comment on the 585 Hatewatch Facebook page, an individual noted that video of the incident showed PATTISON pull FINOCCHARIO back and tell him to stop.

responded, "Hahaha they show me hitting thw big . . . Nig." The next morning, on July 20, 2020, PATTISON sent a message, "Ur famous." FINOCCHARIO responded, "haha yea . . . I'm not going to jail right the cops woulda done something." PATTISON responded, "Were getting these fucks . . . No just internet ahit." In apparent response to 585 Hatewatch posting photographs and the names of FINOCCHARIO and PATTISON, PATTISON stated, "I'm not scared . . . I will continue this fight old school catch em 1 by 1." When FINOCCHARIO told PATTISON to not "bother with this shit," PATTISON stated, "People are sticking up for u . . . The dud in green u know all that do the research like I been doing ur a fuckin hero to our side brother . . . My boys getting ahold of aryan syndicate and getting in there ass hes gunna make em come up abd back us any time we need . . . We got the other crew 20 deep we goto go check out when trump wins its guna be a war cuz ne need to get organized its bigger than us . . . We dont have to go out and smash people but we need to get organized ur my right hand and I need u." Later, PATTISON said, "what could they possibly charge u with they spit on u you went to grab the kid it got broke up u were trying to walk away and they kept advancing and some nigger broad spit on u fuck these people . . . " FINOCCHARIO responded, "Lol no shit hopefully not a hate crime". Later, PATTISON stated, "Were all over spectrum news and BLM said one of us should be charged there making a big deal about it the police are not."

20. On or about July 23, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user TYLER CONNOR, who is PATTISON's half-brother and believed to be involved with the ANTIFA movement. During the exchange of messages, PATTISON stated, "I'm not gunna come after u I wanted to but I just paid a lot of money to

find the addresses of these Antifa leaders Alex [Comardo]⁴ etc and they better hide because between work and family I will be looking . . .”

21. On or about July 28, 2020, PATTISON used the Facebook account ending in 1453 to communicate with several individuals in a group chat, including DON O’SHER A/K/A BAM, JOHN FINOCCHARIO A/K/A SPIDER, and DAVE BERETTA A/K/A NINJA. During the chat, PATTISON said that R.P. (his girlfriend) told him that BLM were protesting at a salon on Ridge Road. FINOCCHARIO responded, “Retards.” PATTISON then said, “I’m so tired of this s*** . . . I just want to smash them all I can’t wait till the day we can . . . No Remorse I’m a racist.” O’SHER said, “some of them jigs [which is a racial slur against African-Americans] came to their senses and walked away . . . but those FUCKING RACE TRAITORS [which I believe is a reference to the white protesters] . . . I SWEAR I WANT TO HANG THEM FROM A FUCKING HOOK.” FINOCCHARIO said, “They didn’t think 3 of us would hold up over 150 . . . Let alone swing,” which I believe is a reference to the incident at the BLM protest in Rochester on July 19, 2020, during which FINOCCHARIO tried to throw a punch at a BLM protester. Referring to that incident, O’SHER stated, “You guys showed true courage,” and BERETTA stated, “Fkn Stevie [PATTISON] and John [FINOCCHARIO] are Straight Warriors Man.”

22. On or about September 4, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user STEVEN CRUTCHFIELD. CRUTCHFIELD asked PATTISON, “U been fighting in riots?” PATTISON responded, “Yah it’s supposed to get bad this weekend.” CRUTCHFIELD asked PATTISON, “Have u knock a blm protester out yet?” PATTISON

⁴ Based on information from other investigations, I know Alex Comardo to be a prominent figure of ANTIFA in Rochester.

replied, "O yah lol Antifa too." CRUTCHFIELD then said, "If they come down here they will see a lit of shot gun barrels pointed at them."

23. On or about September 7, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user GEE SMITH. PATTISON stated, "all Im waiting for is RAHOWA [Racial Holy War] I dont even care anymore who watches these sites or listens to my phone calls cause if I'm out here or in there I'm gunna have fun the storm is brewing i just hope dismantle the police not defund as soon as theres no justice system they'll be sry." SMITH responded, "I agree. This multi-culty homo system is completely doomed. Race War is inevitable, whether the majority of Whites want to admit it or not. Anyway, keep in touch if you want to meet some local Guys. Hail our People. Hail Victory!" PATTISON responded, "I do fir sure Hail Victory!!!! . . . I'll be working with this militia here getting them ready." Based on the contents and context of these messages, I believe that PATTISON was indicating that he was working with a militia to prepare for a Racial Holy War.

24. On or about September 12, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user DICK STEELE. PATTISON told STEELE that he was attending a protest and that "we been fighting BLM and Antifa."

25. On or about September 14, 2020, PATTISON used the Facebook account ending in 1453 to communicate in a group chat with Facebook users CHRIS SELOVER and SCOTT LADUE. In the group chat, they discussed confronting ANTIFA and BLM protesters in the streets. PATTISON asked, "How many people and guns u got? If u dont have 1500 people to slaughter them then sit down." SELOVER replied, "Every revolution needs a martyr I'm willing to be that guy. Time to shoot." LADUE added, "Yup shoot first." SELOVER suggested, "Set up

the 30 cal and mow them down like they did in Hong Kong chili and Brazil.” PATTISON replied, “Let me get the 40 cal I’ll be out this window.” Based on the contents and context of these messages, I believe that PATTISON, SELOVER and LADUE were discussing shooting ANITFA and BLM protesters.

26. On or about September 14, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user JAMIE URQUHART. PATTISON said, “I guess parlor [meaning the social media app Parler] and discord and this [meaning Facebook] for info.” URQUHART asked PATTISON to be “part of a real movement with real people who are ex military police and current police” who have “real plans and tactics.” PATTISON responded, “I’ll ride with u guys but I’m a very loyal person and when the big day comes I hope to stand next to u I’m goo in urban warfare I’m learning my home and my woods this is my bug out spot but i can tell u this there not leaving the city if they do and are in ur neighborhood call me I’ll be there from ur profile if it’s real ur not to far.” URQUHART responded, “Oh its real and so am I” and described himself as “an American patriot sick of the bs.” PATTISON said his group was real as well and then stated,

I spent a lot of years in the city fighting Niggers a lot I’ve also got 10 years in side if u add it up u ever been to prison ina a yard knife fight with people with the intelligence of a nat? Look my name up brother I do this and when I lived in the city I stayed with my own like the yard but I’ve gotten over all the hate because of groups like this that have showed me there are some stand up black Americans patriots and I’m America first all this shit has been pre planned for years and I love this group u know y because the ones who dont know shit and are shaky wile confronted with confrontation I get to teach em along side a marine build him up like we did for the young on the street and in prison now theres a real purpose and I’m not guna go in there jungle with people who dont know it but i will learn theres and protect this land till my dieing breath Victory or Valhalla.

PATTISON further stated that his group and other like-minded groups should work together and “be there if we need like u live in Greece I live in Hilton that’s close they break that city line u gtfo and come or I get u idk that’s just were I’m at open spaces flanking rushing good gorilla warfare.” After PATTISON indicated that he had seen a post that URQUHART had been thrown out of a militia group, PATTISON stated, “This is y I’m getting pissed off literally people wont stick together to save there own country and lives just get ur self a tight knit crew.” PATTISON later stated, “it’s about staying alive keeping our familys safe and America so if u cant put ur pride down for a min and come together than we will sure fall but small tight groups and action is the only way.” PATTISON continued, “If u ever get names and addresses of Antifa or BLM in the city send em to me no questions asked and I’ll do the same if u want.” Notably, the investigative team found photographs and addresses for suspected ANTIFA members on PATTISON’s cell phone. Based on the contents and context of these messages, I believe that PATTISON and URQUHART were discussing the prospect of using their respective groups to engage in guerilla warfare against ANITFA and BLM protesters.

27. On or about September 16, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user MATT SEGER. PATTISON and SEGER discussed targeting a local tattoo artist from the Rochester area who they believed to be affiliated with ANTIFA. PATTISON stated, “Well let’s throw fuckin bricks threw his windows and when he fixes them do it again. O I will prob smash his windows on a good night. I might target him some night.” SEGER replied, “Let me know when because I can be the alibi I can find out where he is instigate an argument pick a fight with them why fuck shit up. Crystal knows how bad that motherfucker did me wrong and then to find out he’s a scum bag piece of shit antifa.” PATTISON replied, “Crystal will tell u about me I love beating up Antifa I’ve got 6 so far.”

Based on the contents and context of these messages, I believe PATTISON and SEGER discussed targeting and damaging the property of an alleged ANTIFA member in Rochester. In addition, PATTISON admitted that he had engaged in physical violence against six alleged ANTIFA members.

28. PATTISON was also part of a small group of counter-protesters at a BLM protest in Caledonia, New York, on September 20, 2020. At that time, the group of approximately five counter-protesters – which included PATTISON – charged a protester and yelled “I’ll end you,” or words to that effect. The administrators of the 585 Hatewatch Facebook page identified PATTISON as present and among the group of counter-protesters. The post further identified PATTISON as a “neo-Nazi skinhead who showed up in Caledonia, NY today to intimidate a completely peaceful BLM rally.” The administrators of the 585 Hatewatch Facebook page posted a photograph of PATTISON obtained from a Facebook account with the display name, STEPHEN PATTISON, which is believed to be the Facebook account ending in 1453. PATTISON was depicted in the photograph giving the “OK” hand gesture, which – based on PATTISON’s expressions of support for white supremacist ideology and the common use of this hand gesture by individuals in the white supremacist movement – was likely meant to signify “white power.”

29. On or about September 20, 2020, PATTISON used the Facebook account ending in 1453 to communicate with others in a group chat, including O’SHER. Referring to the BLM protest in Caledonia, O’SHER said, “That faggot snapped a picture right when I went after him . . . I wanted to KiLL that mother fucker !! . . . I wanted to grab his neck and do bad

things with it.” Based on the content and context of this message, I believe that O’SHER was saying that he wanted to kill the BLM protester he encountered at the Caledonia protest.

30. On or about September 22, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user TOMMY CORNELIUS. PATTISON stated, “Yah u think I give a fuck what a Nigger and a race traitor have to say about this self respecting White man?” CORNELIUS replied, “Good fpr you brother ... sick of these niggers trying to ruin our city ... im locked and loaded over here brother let me know if ya ever need a hand I’m there with ya!! Us.” PATTISON then said “they can burn the city [meaning Rochester] down” and that his new motto is to “keep em urban not . . . suburban,” which I believe meant to keep ANTIFA/BLM protesters in the City of Rochester and not let them come to the suburbs. The conversation continued and turned to a discussion of firearms. PATTISON stated he has “. . . 2 shot guns I’m looking for a 12 gauge if u here anything let me know. I got a 10 and 410,” which I believe were references to 10 gauge and .410 caliber shotguns. CORNELIUS replied, “Got you ... ill talk to my boys they are gun enthusiasts.” PATTISON added, “Yah I dont care if it’s pretty but I dont wanto pay more than 350.” Based on the contents and context of these messages, I believe that PATTISON was seeking to buy a 12 gauge shotgun. It should be noted that one of the firearms seized during the search of 552 Church Road was a Snake Charmer .410 gauge shotgun.

31. On or about September 24, 2020, PATTISON used the Facebook account ending in 1453 to communicate with O’SHER. PATTISON said he was “done with militia fag shit.” O’SHER responded that he was “training again working out.” PATTISON replied, “Yup me too work out I’ve been slacking working so work work out and stick to our believes and our plan

this militia shit smh cowards . . .” In a series of Facebook messages on September 25, 2020, PATTISON told O’SHER, “I’m only joining WP [meaning white power] groups”.

32. On September 24, 2020, PATTISON posted a comment to the Facebook account with the display name, STEPHEN PATTISON, which is believed to be the account ending in 1453, which read, “Let me just say this if u change ur profile or pic on it because it scared Antifa will Dox u or call ur job a BITCH and have no buisness fighting this fight if ur worried about ur job dont put it up there and keep a diff pic. But ur name and ur manhood safe wtf grow a pair if u cant go join Antifa u pussy I’ve had people message me and as for all u black fucks talkin shit I’m in the city of Rochester we can meet up anywhere u want cause ur a bitch too and I dont want it with me and mine . . .” After a Facebook user responded to the post, PATTISON replied, “. . . WE THE PEOPLE should be able to slaughter anybody trying to bring communism to this country.”

33. On or about September 28, 2020, PATTISON used the Facebook account ending in 1453 to communicate with a Facebook user with the initials K.H., who is known to be associated with ANTIFA in Rochester. PATTISON initiated a conversation with K.H. wherein PATTISON issued a direct threat of violence. PATTISON said, “Bro ur allset u and ur lame crew better settle down were coming to hug it out with yall soon so head swivel at night and dont let me catch u at Victoria’s secret when I’m with my girl cause I’ll slap u and ur boyfriend times are over for Antifa NLRT.” PATTISON added, “I’m a Nazi [accompanied by Nazi symbols, including SS lightning bolts, crossed swords, skull and cross bones, and the numbers 14 and 88] no common ground bitch. Ima different breed ur people researched me and my lil brother is one of u better get with him cause I’m done playing with u I’ll goto prison u wont

make it there just consider this a declaration of WAR.” Based on the contents and context of these messages, I believe that PATTISON was expressing his intent to engage in acts of violence against K.H. and ANTIFA.

34. On or about September 30, 2020, PATTISON used the Facebook account ending in 1453 to communicate with a Facebook user with the initials N.H. PATTISON stated, “. . . doing a lot of fighting because of BLM and Antifa.” PATTISON added, “Even training the youth.” N.H. replied, “I like it, I cant c my daughter no more cuz I was trying to teach them my ways there nigger loving mom tried gettingnmenin trouble.” PATTISON asked, “Does she not see what happening?” N.H. added, “I’ve been laying back fishing and saving, and accumulating Chainsaws and guns and tools and shit lol.” PATTISON replied, “I hear that I’m out in the country now I love it and I’m doing the same RAHOWA is coming.” Based on my experience, I know the acronym “RAHOWA” is used by white supremacists to mean “Racial Holy War.” In this conversation, I believe PATTISON admitted to procuring supplies (including firearms) in preparation for a Racial Holy War.

35. On or about October 6, 2020, PATTISON used the Facebook account ending in 1453 to communicate in a group chat with EVAN ORTIZ A/K/A LOKI. ORTIZ asked, “Btw are the proud boys an issue? I’m just hearing about them for the first time”. PATTISON responded, “What would make u ask that @EO LOKI proud boy’s would be on our side . . . Had one in caledonia with us.” PATTISON described the Proud Boys as “closet nazi’s.” Based on the

content and context of these messages, I believe that PATTISON was stating that they had a Proud Boy⁵ with them at the counter-protest in Caledonia on September 20, 2020.

36. On or about October 10, 2020, PATTISON used the Facebook account ending in 1453 to communicate with URQUHART. URQUHART asked, "You ready." PATTISON responded, "Yah I'll be out of work at 5 but u have and I'll have somebody I know out there and if there still there after we get out and it's dark yup." PATTISON continued, "Do it right bro dont go half-cocked cause ur mad I've done entire to much time to act like it's the civil war right now it's bad but what's it tell u and I found this out last night out of all the places to do that they do it at the park with the police station and how many people did ur boy say was there?" URQUHART responded "30" and said "We arent we are just going prepared." PATTISON stated, "Ok I got 6 and 1 chick but she fights like a dude I'll find out 100 who can get down there when it starts but I'm not engaging till its dark . . . I hear that eve the ones I went with the 585mil I had mace knucks 1blade but always when people in these groups say dont come unarmed." Based on the contents and context of these messages, I believe that PATTISON was discussing a plan to gather a group of people to intimidate and possibly engage in violence against ANTIFA and/or BLM protesters.

37. On or about October 10, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user MICHAEL JOHNSTON. After engaging in

⁵ Proud Boys is a nationalist organization with multiple United States chapters and potential activity in other Western countries. The group describes itself as a "pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists." Proud Boys members routinely attend rallies, protests, and other First Amendment-protected events, where they sometimes engage in violence against individuals whom they perceive as threats to their values. The group has an initiation process for new members, who often wear yellow and black polo shirts or other apparel adorned with the Proud Boys logo to events.

conversation, PATTISON said, “. . . if I don’t ever get to meet u in person than I’ll see u in Valhalla.” JOHNSTON replied, “I hope you aren’t planning a trip soon.” PATTISON added, “Well I’m up here in NY and Antifa and BLM are trying to move in on where we are so its becoming and every weekend thing with these cunts if are country doesnt rid this plague and it get worse u never know.” Based on my experience, I believe the word “Valhalla” is derived from Norse mythology and is a place ruled by the god Odin where those who die in combat will travel to in the Norse religion. I further believe that, in this conversation, PATTISON was indicating that he was prepared to engage in combat against ANITFA and BLM.

38. On or about October 12, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user ROCHELLE NICOLE (PATTISON’s girlfriend). PATTISON stated,

But for sure do u goto all the meetings or just ur? I wanto go but I dont know man I’m not liking what’s going on we said keep em urban not suburban they pushed 2mrw will be 4 times in the suburbs and then people drive threw the parking lot dont stop dont do anything but again make people who are serious look stupid . . .

Goal Antifa. And if the others are with them well what ever I dont take BLM serious and nobody does any more for real I know the serious evil of this and one contacted me the one an MC had beef with talkin shit about Caledonia I got his address and that’s when he got mad I laughed he said fuck around and find out I said don’t use 81 slogans cause they dont like u at all in any world and I’m not a fat kkk Aryan Nation playing hitler dress up I said I’m letting u know ur people and my little brother hangs with u trash and as much as he hates me too hes seen what I do and I dont think ur gunna have this attitude when just me and 2 others catch u on the wrong street wrong time cause I can walk away any where I want in this city I earned that so I’ll be waiting so if u c me and I dont c u first take action because this is your declaration of war . . .

I’m not bragging and I’m not talking tuff I’m being very honest with u for 16 years I’ve seen more brutality than somebody raised in our times is supposed to see I had to step back so I went to Missouri and for the past 5 years this is the longest I’ve been home and it’s only because how terriable my son was becoming I want to get him set and the new baby good before I go again and

finish my months that's the only reason I dont run up and just take of on groups at a time cause u give me a crew of 6 and there fucked idc if it takes a month to only catch one that's fine . . .

I wouldnt ask because I got a lot of respect for u because ur a doer and everybody says they are but like I said they have been to 3 of the zones 2mrw Webster again I dont see anything and if I go I goto watch from a distance and follow and collect addresses witch I will be if there out there late like last time the problem is my fathers generation was the tuff white generation and people are scared about there jobs and most people wont pull somebody's eye out my friends do I've tried for way to long to wait and weve made some agreements nobody I's living up to I mean I always wanto be on this discord . . .

I'm guna finish this job I got and this is what I'm doing because our show of force armed or not is losing what little power it had and BLM is pushing town limits so I'm done but u got my word any time u need me for something real I will b there just dont forget y we all started this and dont let the fear of feds questioning u push u away just focus on those 2 groups and ull be fine . . .

Based on my review of PATTISON's cell phone and other information gathered during this investigation, I believe this was a copy of a Discord message that PATTISON sent when he was leaving a militia group because he was dissatisfied with what he viewed as the group's inadequate response to ANTIFA/BLM protests in the suburbs. In the message, PATTISON expressed concern about ANITFA and BLM entering the Rochester suburbs and recounted an incident during which he threatened physical violence against one of the ANITFA/BLM protesters from the confrontation in Caledonia (*e.g.*, "I dont think ur gunna have this attitude when just me and 2 others catch u on the wrong street wrong time cause I can walk away any where I want in this city I earned that so I'll be waiting so if u c me and I dont c u first take action because this is your declaration of war"). PATTISON also reminded the recipient of the message to "just focus on those 2 groups," which I believe was a reference to focusing their efforts on ANTIFA and BLM. My basis for concluding this was a Discord message is PATTISON's statement, "I always wanto be on this discord."

39. On or about October 21, 2020, PATTISON used the Facebook account ending in 1453 to communicate with several Facebook users, including DAVE BERETTA. BERETTA sent a message about a “Gun Owners of America” meeting the night before, indicating that the speakers discussed “what possibly can come & we need to be ready & legalities.” BERETTA further stated that one of the things that was discussed at the meeting was that protesters “can be shot on sight relating to arson.” PATTISON responded, “I bet u they don’t light this house on fire . . . And I bet u I shoot anyone coming down this street that ain’t supposed to u think if that shit goes down I give a fuck about laws.” Based on the contents and context of these messages, I believe that PATTISON was stating that, if any ANITFA or BLM protesters came down his street, he would shoot them without regard to the “legalities.”

40. On or about October 25, 2020, PATTISON posted a photograph of himself posing in front of a Blood and Honour flag, which portrayed the numbers “14” and “88,” on the Facebook account ending in 1453. In center of the flag was a Totenkopf, which is a Nazi death skull.

41. On or about October 28, 2020, PATTISON used the Facebook account ending in 1453 to communicate with O’SHER. PATTISON sent the following message, “I’m ready 4 WAR.”

Discord Messages

42. A review of PATTISON’s cell phone indicates that he and his associates used Discord to communicate when they were seeking to engage in private conversations. Based on my training and experience, I know that individuals involved in criminal activity often use

what they believe to be more secure methods of communication when they are seeking to discuss criminal activity in an effort to avoid detection by law enforcement authorities.

43. On or about September 9, 2020, PATTISON used the Facebook account ending in 1453 to communicate with several Facebook users about protests that were occurring in Rochester. One participant, JOHN JACOBSON, stated, "Let's bring this chatter to 585 mil or discord. Not the safety web."

44. On or about September 14, 2020, PATTISON used the Facebook account ending in 1453 to communicate in a group chat with several others, including Facebook users CHRIS SELOVER, KEN SELOVER, BRANDON HAYWARD, and JAMISON TAYLERT. Members of the group made comments and posted live-streamed videos of ANTIFA/BLM protests occurring in Rochester at the time. Specifically, this group posted the following messages:

CHRIS SELOVER:	@Stephen Pattison I'll go play
CHRIS SELOVER:	#proudboy
PATTISON:	How many people and guns u got
KEN SELOVER:	Not yet guys.
CHRIS SELOVER:	Don't need guns bro got gifted us with hands
PATTISON:	If u don't have 1500 people to slaughter them then sit down
CHRIS SELOVER:	Not god but odin**
PATTISON:	Ull be dead I 2 min for nothing
KEN SELOVER:	You have to wait until the masses are so fed up that they will rally.

. . .

CHRIS SELOVER: Wont be for nothing it'll fire the rest of everyone to do something

CHRIS SELOVER: Every revolution needs a martyr I'm willing to be that guy

PATTISON: Stay home protect ur familys are time will be soon

KEN SELOVER: Kyle Rittenhouse⁶ didn't fire it up

CHRIS SELOVER: Kyle Rittenhouse didn't die

PATTISON: It wont spark nothing it's too soon for that

CHRIS SELOVER: I'm long range with the crossbow into the black sea

KEN SELOVER: Very true Stephen. People aren't pissed enough.

KEN SELOVER: They will be soon!

HAYWARD: nope. It will take a whole apartment complex burned down with people in it.

HAYWARD: or something stupid like that

PATTISON: No u goto wait till they start coming out to the burbs

KEN SELOVER: Watch what happens after the election.

HAYWARD: oh thats comming. the burbs will be the warzones

CHRIS SELOVER: In my opinion when they come out the the burbs it's already too late

KEN SELOVER: These burbs arent liberal portland burbs.

HAYWARD: very true.

⁶ Kyle Rittenhouse is a 16-year old who shot protesters in Wisconsin.

CHRIS SELOVER: We already failed

TAYLERT: Yo, throw this on discourse [meaning Discord], general chat. [with a thumbs up and "ok" emojis added after the text]

KEN SELOVER: They are not gonna like what they run into

PATTISON: I'm telling @Chris Selover it's coming I'm impatient I was on ridgeway ave I seen there busses just prepare ur self and fight with ur brothers when its time

Based on the content and context of this conversation, I believe that PATTISON and the others were planning to confront and attack ANTIFA/BLM protesters when they reached the suburbs of Rochester. I further believe that CHRIS SELOVER asked the group to take their conversation to Discord in order to avoid detection by law enforcement authorities.

45. On or about September 14, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user FRANKIE PRESTO. PATTISON stated, "I'm in trouble" and apparently forwarded images of a Facebook post to PRESTO. The extraction report showed that the images were sent to PRESTO, but the extraction did not capture that images themselves. PRESTO responded, "Fuck them . . . And you're not in trouble . . . know why? You have a militia to back you." PATTISON replied, "No I know that brother and I love ya for it but fb is deff sending me to jail." PRESTO replied, "and that's why we set up discord." Based on the contents and context of these messages, I believe that PATTISON was concerned that he would be going to jail for something he posted on Facebook. I further believe that PRESTO was confirming that they use Discord to avoid detection by law enforcement authorities.

46. On or about September 15, 2020, PATTISON used the Facebook account ending in 1453 to communicate with several Facebook users in a group chat. CHRIS SELOVER instructed all group chat participants by saying, "Everyone that has questions needs to message Earl and get on the Accord second chat . . . By Earl I mean Frankie @Frankie Presto," which I believe was a reference to a Discord chat. Several members of the group chat (including CHRIS SELOVER, JAMISON TAYLERT, FRANKIE PRESTO, JOSHUA BORELLI, JEREMY CUMMINGS, and JOHN PHILLIPS) arranged to meet at a protest in the City of Rochester. PATTISON did not attend. PATTISON stated, "Yah I can t even be down town for atleast 40 fuckin min I fuckin hate love u guys and if any of u get hurt I promise u 10 more will be stabbed on my word u can ask meatball and borelli they'll tell u I promise". CHRIS SELOVER responded, "Hahahahaha let's hope I don't get choked out by a fag."

47. On or about September 29, 2020, PATTISON used the Facebook account ending in 1453 to communicate with FINOCCHARIO. PATTISON told FINOCCHARIO to "Download discord on playstore." FINOCCHARIO replied, "ok, I'll do it." PATTISON added, "Better, safer communication." PATTISON further instructed FINOCCHARIO to "search group are ADS 1488," which I believe were shorthand references to "American Defense Skinheads," the "14 words," and "Heil Hitler." Based on the content and context of this conversation, I believe that PATTISON was confirming that they use Discord to avoid detection by law enforcement authorities and that he set up a Discord group by the name of "ADS 1488" to provide a forum for private communications.

48. On or about September 29, 2020, PATTISON used the Facebook account ending in 1453 to communicate with O'SHIER. PATTISON told O'SHIER, "Hey goto discord and search

groups I made our own . . . Are group is ADS 1488.” PATTISON said that O’SHER would be second in command in the group and “Ninja” (DAVID BERETTA) would be third in command. In a Facebook message on September 30, 2020, PATTISON told O’SHER to go to Discord. PATTISON said he “did the 14 under it,” which I believe was a reference to the “14 words.” Based on the content and context of these messages, I believe that PATTISON was confirming that he set up a Discord group to provide a forum for private communications about criminal activity.

49. On or about October 3, 2020, PATTISON used the Facebook account ending in 1453 to communicate with several Facebook users in a group chat. PATTISON posted, “This is what I said BLM flag and nazi flag the same that’s y I will be that and what I am with morals and class until there done or dead.” DAVE BERETTA replied, “I hear ya. Remind me about the AK-47 kits ltr.” PATTISON added, “That will be our movement. If they can I can 2. Discord under ideas,” which I believe was a reference to their ability to save certain ideas in a folder in Discord. BERETTA replied by posting an “ok” hand gesture emoji. PATTISON later stated, “IDK [meaning “I don’t know”] what I goto say or do to stress this fact about discord I really don’t even thee militias are staying away from fb as much as possible they will take us down.” BERETTA, “Gotcha.” PATTISON continued, “And I’m not talking about our page I’m talking about freedom @Ninja I know u dont wanto sit in that roach infested shit hole again.” BERETTA responded, “Fkn A Right.” Based on the content and context of these messages, I believe that PATTISON was confirming that he and the other members of his group use Discord engage in potentially criminal conversations and avoid detection by law enforcement authorities.

50. On or about October 6, 2020, PATTISON used the Facebook account ending in 1453 to communicate with several Facebook users in a group chat. PATTISON announced to the group chat, "John [FINOCCHARIO] is banned from are world and now the biker community . . . goto discord got some ANTIFA news also." Based on the content and context of this message, I believe that PATTISON was confirming that he and the other members of his group use Discord to share information relating to their fight against ANTIFA.

51. On or about October 12, 2020, PATTISON used the Facebook account ending in 1453 to communicate with O'SHIER. PATTISON told O'SHIER that "LOKI" (Facebook user EVAN ORTIZ), who PATTISON referred to as a "prospect," said the 14 words at a meeting. Notably, PATTISON exchanged Facebook messages with LOKI on or about October 22, 2020. In those messages, LOKI asked, "how am I so far? Club wise. Anything I messed up on?" PATTISON responded, "No ur doing great . . . The only thing I feel like us and everybody should do is take 2 hours a day and investigate just finding anything u can about Antifa and blm . . . I just need a band of brothers no acquaintances." PATTISON also told LOKI that he (LOKI) is "a prospect on [his] way up be a brother." PATTISON also told LOKI to do 200 to 300 push-ups a day "[t]o be in shape for missions and if there plan goes forward on election day," noting "[i]t's not a lot but we all goto be ready." LOKI later said, "[j]ust hope I don't end up in jail lol." PATTISON responded, "Y would u . . . U dont have to be apart of this group." When LOKI reiterated his desire to be a part of the group, PATTISON stated, "if u get caught the most u would do is a week I get caught a lovely 5 to 15 years," followed by what appear to be four smiling emojis. LOKI replied, "[n]ot fun staying there for 15 years," and PATTISON responded, "I wouldn't care because when I get out who ever sent me there will die." Based the content and context of these messages, I believe that PATTISON was part of a group that was involved

in targeting ANTIFA and BLM, that PATTISON holds a position of authority in the group, that LOKI is attempting to become a part of the group, that the group was getting ready for an unspecified mission on election day in 2020, and that the mission was illegal because PATTISON would be exposing him to a potential prison term of five to 15 years if he were caught by law enforcement authorities.

FACTS RELATING TO FIREARMS OFFENSE

Search Warrant at PATTISON's Residence on November 13, 2020

52. On November 9, 2020, the Honorable Sam L. Valleriani, Monroe County Court Judge, issued a search warrant for PATTISON's residence at 552 Church Road in Hilton, New York. The search warrant authorized law enforcement officers to search for and seize firearms and other evidence of violations of state firearm laws, as well as evidence showing custody or control over the premises.

53. On November 12, 2020, deputies from the Monroe County Sheriff's Office (MCSO), assisted by members of other local and federal law enforcement agencies, executed the search warrant at 552 Church Road. At the time of the search, PATTISON's girlfriend (R.P.) and her father (J.L.) were present inside the residence, along with PATTISON's 10-year old son. After arriving at the residence, FBI special agents interviewed R.P., who stated, in sum and substance, that there were no firearms inside the residence to her knowledge, that there was a BB gun with duct tape on it in the closet of her bedroom, and that R.P. and PATTISON have been living at 552 Church Road.

54. During the search of an upstairs bedroom (Bedroom 1), the investigative team observed and/or recovered the following evidence, among other things:

a. two firearms – one (1) black Thompson/Center (T/C) Compass, Center Fire Bolt Action 30-06 rifle, bearing serial number U231831, which was equipped with a black optical scope with a distinctive green logo/decal on both sides near the front portion of the scope; and one (1) Winchester Ranger, Model 120, 12 gauge shotgun, bearing serial number L1929872, with a wood-colored stock and fore-end – behind the top of a mirror that was attached to a dresser;

b. one (1) box of Winchester 12 gauge shotgun ammunition (containing 25 rounds), a Missouri Department of Corrections Offender card bearing PATTISON's name and photograph, a Missouri Department of Corrections Adult Institution Fact Sheet bearing PATTISON's name, and three Missouri Department of Corrections Board of Probation and Parole Field Violation Reports bearing PATTISON's name, in the bottom drawer of another dresser/television console;

c. a black t-shirt with the words "SUPPORT ROCHESTER" in red lettering around two red lightning bolts – which, based on information provided by FBI Special Agent Michael Preisser, who has extensive knowledge of the Hell's Angel's Motorcycle Club (Rochester Charter) through prior FBI investigations, I know to be a Hell's Angel's Motorcycle Club support t-shirt – was draped over the dresser/television console where the shotgun ammunition was recovered;

d. a pellet/BB rifle and baseball bat in the closet;

e. a black tactical vest with an expandable baton and fixed blade knife attached to the vest;

f. a sword in a sheath;

g. various photographs of PATTISON, R.P. and PATTISON's son; and

h. various items of white supremacist and Nazi paraphernalia, as well as depictions of white supremacist and Nazi imagery and symbols.

55. During the search of another bedroom (Bedroom 2), the investigative team recovered, among other things, a .410 gauge shotgun, a 12 gauge shotgun, a .22 caliber rifle, a Ruger .44 magnum caliber pistol, two .22 caliber pistols, a shotgun magazine, and four bags of marijuana. Based on evidence seized during the search, the investigative team determined that Bedroom 2 was used by J.L. J.L. told members of the investigative team, in sum and substance, that the three handguns found in Bedroom 2 belonged to a friend who was in the process of moving and had asked J.L. to hold the weapons until the move was finished. J.L. further stated that the handguns were stored in a locked container to which PATTISON did not have access.

Interstate Nexus of Firearms

56. On or about November 21, 2020, I contacted Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Special Agent Ryan Szwejbka, a qualified expert in determining the interstate nexus of firearms, and described the Winchester 12 gauge shot gun and Thompson/Center (T/C) 30-06 rifle seized from PATTISON's bedroom at 552 Church Road. Special Agent Szwejbka opined that both firearms were manufactured outside New York and, therefore, would have had to travel in commerce prior to PATTISON possessing them at 552 Church Road.

57. On or about November 25, 2020, the Honorable Marian W. Payson, United States Magistrate Judge, Western District of New York, issued Criminal Complaint No. 20-

MJ-4223, which charged PATTISON with possession of firearms by a convicted felon, in violation of 18 U.S.C. § 922(g)(1).

**PATTISON's Recorded Jail Telephone Calls Before the
Search Warrant at 552 Church Road**

58. After his arrest on October 30, 2020, PATTISON was held in custody at the Monroe County Jail. I am aware that the Monroe County Jail records inmate telephone calls in the ordinary course of business. Members of the investigative team have reviewed numerous recorded telephone calls that occurred between PATTISON and R.P. during the time period from October 30, 2020, through and including November 13, 2020, when PATTISON was housed at the Monroe County Jail. A summary of several relevant excerpts of the calls is set forth below.

59. During a recorded call on October 30, 2020, R.P. stated, "You remember when we made the stop here before we went to Jim's with the guitar case? . . . To the house. Before we went to Jim's." PATTISON responded, "To the house? Oh, yeah." R.P. then asked, "What—should I just leave them?" PATTISON then stated, "Yeah, do not give any of that shit away or back or any of that. You keep that . . . just put it in the closet where the baseball bat is . . . If Crystal wants hers back, that's fine, but I want you to have the other one . . . I want you to have those there because if I'm stuck here, I would feel better if they were there. Because even Jim says his aren't that up to par." PATTISON continued, "And where the Hell's Angels—uh—the fucking—what do you call it—shirt is over in that bottom drawer is where the things are for it."

60. Based on the contents and context of this conversation, I believe that PATTISON and R.P., using cryptic and coded language, were discussing the firearms and ammunition

recovered from their bedroom at 522 Church Road. Specifically, I believe that PATTISON was referring to the shotgun ammunition found in the dresser drawer near the above-described Hell's Angels Motorcycle Club support t-shirt when he stated, "the things for it" are "[w]here the Hell's Angels . . . shirt is over in that bottom drawer." I further believe that he was referring to the Winchester 12 gauge shotgun to which the ammunition belonged. In addition, I believe that PATTISON was telling R.P. to keep both firearms but told her that she could return one to a person known as Crystal.⁷

61. During another recorded call on October 30, 2020, PATTISON asked R.P. for more details of the felony car stop resulting in his arrest. R.P. discussed the search of the car, saying "they went through everything." PATTISON said, "That's why I was trying to talk to you about those things that you were just talking to me about [referring to the prior telephone conversation on October 30th summarized in ¶ 59, above] because I wanted you to, you know, if they were gonna go back to the house . . . have them go in Jim's room and then Jim can say—you know what I mean?" R.P. responded, "Right." PATTISON continued, "That's what I was worried about because I remember the last time they did that to me with the warrant squad like that, they searched Tommy's house across the street, remember?" R.P. responded, "Yeah . . . Well, I mean, Tom was a felon too, though."

62. Based on the contents and context of this conversation, I believe that PATTISON was concerned that members of law enforcement were going to search his residence and

⁷ It should be noted that, during an interview with the FBI at the time of the search warrant at 552 Church Road, R.P. stated that the "guitar case" referenced in the above conversation was code for an ax, baseball bat and ornamental sword (all of which she believed would qualify as weapons by law enforcement). She denied that "guitar case" was a reference to firearms. The investigative team did not find a guitar case during the search warrant.

discover the firearms. I further believe that he was telling R.P. how she could help him avoid being implicated in possessing the firearms. Specifically, PATTISON told R.P. that, if law enforcement went to search their residence, R.P. should put the firearms in J.L.'s (whose first name is Jim) bedroom so that J.L. can claim ownership of the firearms.

63. During a recorded call on November 4, 2020, PATTISON asked R.P., "you still got my things – my toys, right?" R.P. responded, "Yes." PATTISON then stated, "All right. Don't let anybody take – I mean, if Crystal wants to come get hers, cool, but if – just tell Bam that you need that one." R.P. said that an unnamed male (UM) was "looking for more . . . toys." PATTISON advised R.P. to tell UM to get the "manufactured ones—the build-your-own ones." Based on the contents and context of this conversation, I believe that PATTISON was asking if R.P. still had his firearms, that R.P. stated that UM was looking to get more firearms, and that PATTISON told R.P. to tell UM to manufacture his own firearms.

64. During a recorded call on November 9, 2020, PATTISON stated, "When I come back I want to shoot that shotgun . . . I've got to let so much frustration out. I just, like – find something – and object – I can blow to pieces." Based on the contents and context of this conversation, I believe that PATTISON was referring to the Winchester 12 gauge shotgun that was recovered by the investigative team in his bedroom at 552 Church Road four days after this conversation.

Evidence on PATTISON's Cell Phone Relating to Firearms and Ammunition

65. A review of PATTISON's cell phone revealed photographs of the firearms seized from his bedroom during the search warrant and PATTISON holding firearms. For example, in the below photograph, dated October 25, 2020, PATTISON is depicted squatting down and posing in front of a "Blood and Honour" flag while holding a shotgun.



66. Based on the physical characteristics of the shotgun in the photograph in ¶ 65, above, I believe it is the Winchester 12 gauge shotgun recovered from PATTISON's bedroom by law enforcement authorities on November 13, 2020. Specifically, the shotgun in the above photograph is a black pump-action shotgun with a wood-colored stock and fore-end, which is consistent with the Winchester 12 gauge shotgun seized during the search warrant. Two photographs of the Winchester 12 gauge shotgun (and the above-described Thompson Center (T/C) 30-06 rifle) are set forth below.



67. In addition, PATTISON's cell phone contained the below photograph, dated October 27, 2020, which depicts a shotgun and a box of Winchester ammunition.



68. Based on the physical characteristics of the shotgun and box of ammunition in the photograph in ¶ 67, above, I believe they are the Winchester 12 gauge shotgun and box of ammunition that were recovered from PATTISON's bedroom by law enforcement authorities on November 13, 2020. A photograph of the box of ammunition seized during the search warrant is set forth below.



69. In addition, PATTISON's cell phone contained the below photograph, dated October 24, 2020, which depicts a black bolt-action rifle equipped with an optical scope with a distinctive green decal/image on the side near the front portion of the scope.



70. Based on the physical characteristics of the rifle in ¶ 69, above, I believe it is the Thompson/Center (T/C) 30-06 rifle that was recovered from PATTISON's bedroom by law enforcement authorities on November 13, 2020 (which is depicted in the two photographs set forth in ¶ 66, above). Specifically, the rifle in the above photograph is a black bolt action rifle equipped with a black optical scope with a distinctive green logo/decals on the side of the front portion of the scope, which is consistent with the black Thompson Center (T/C) 30-06 rifle seized during the search warrant.

**PATTISON's Recorded Jail Telephone Calls After the
Search Warrant at 552 Church Road**

71. On November 12 and 13, 2020, PATTISON made several recorded telephone calls from the Monroe County Jail to R.P.

72. During a recorded call on November 12, 2020, R.P. told PATTISON that law enforcement had executed the search warrant at 552 Church Road. R.P. stated that “they took all [J.L.’s] stuff,” and J.L. can be heard in the background stating that they took all of his “weed” (meaning marijuana) and his guns. PATTISON asked R.P., “did they—did they get the other things? The things Crystal had?” R.P. responded, “Yes.” PATTISON then replied, “I’m fucked.” Based on the contents and context of this conversation, I believe that PATTISON was asking if law enforcement had found his firearms and, when R.P. responded that they had done so, PATTISON indicated he was in legal jeopardy because he is prohibited from possessing firearms as a convicted felon.

73. Later in the same conversation, PATTISON spoke with R.P. about a cover story for the firearms. Specifically, PATTISON said, “well, you gotta tell them the guns aren’t mine, babe . . . ‘Cause they’re not.” R.P. responded, “I know.” PATTISON continued, “Listen, we were holding them for Crystal, okay?” R.P. again responded, “I know.” PATTISON then stated, “We gotta testify and say that . . . we gotta testify and say that we were holding them for Crystal. That’s what we’re saying, okay?” R.P. said, “I know.” After some more conversation, PATTISON said, “Kay baby, you were holding those for Crystal, right?” R.P. responded, “Yes.” PATTISON then replied, “Fuck.”

74. During another recorded call on November 12, 2020, PATTISON further instructed R.P. to say that the firearms do not belong to him. Specifically, PATTISON said, “Just maintain I – you just gotta maintain that those weren’t mine, baby. I didn’t – they’re not, but I’m just saying. They’re [meaning law enforcement] gonna try to get you to say they were.” R.P. responded, “they can’t get me to say anything that isn’t fucking true.” PATTISON

continued, “Yeah, but they're gonna threaten to put you away, take Michael [PATTISON’s son], all that shit, babe . . . Just be ready for it. Just – that’s all I’m saying. Don’t fall for their fucking games or gimmicks, that’s what they do.” PATTISON later said, “I don’t have any fucking guns because I can’t have any guns, but it doesn’t look good that you have them. I – I knew this was gonna be a problem. I knew it. I knew it. I knew it.” Based on the contents and context of this conversation, I believe that PATTISON was acknowledging that he was prohibited from possessing firearms by virtue of his prior felony conviction when he said “I can’t have any guns,” and was admitting that he possessed the guns when he said “I knew this was gonna be a problem.”

75. During a recorded call on November 13, 2020, PATTISON continued to deny possessing the firearms. PATTISON told R.P., “Like I said, we’ll see what comes of it, but at the same time is – at the end of the day, uh, pictures, text messages, whatever you got, I wasn’t there,” which I believe meant that – despite what the photographs and text messages relating to firearms on his cell phone show – he was not physically present at 552 Church Road when the firearms were seized by law enforcement.

Facebook Messages Relating to Firearms

76. A review of PATTISON’s cell phone shows that he used Facebook to discuss his possession and potential acquisition of firearms. Summaries of several relevant Facebook messages are set forth below.⁸

⁸ The Facebook messages contain numerous spelling and grammatical errors. I have included verbatim versions of those messages in this affidavit. In the interest of brevity and clarity, I have not identified or corrected those errors in the selected messages.

77. On or about October 24, 2020, PATTISON used the Facebook account ending in 1453 to communicate with O'SHIER. PATTISON sent a photograph with the message, "Mine." The extraction report for PATTISON's cell phone shows that a photograph was sent, but the extraction did not capture the actual photograph. O'SHIER responded, "Fucking sweet!!!" PATTISON then stated, "Goto find rounds." O'SHIER then said, "We'll get you som I don't know how but we'll figure it out." PATTISON then said, "I just need about 10." O'SHIER asked, "What caliber is it?" PATTISON responded, "I think 30 and long." O'SHIER then said, "I don't think 30 caliber is a rare bullet, I'll look into that." Based on the contents and context of these messages, I believe that PATTISON sent a photograph of his 30-06 rifle to O'SHIER and that O'SHIER agreed to help PATTISON find ammunition for the rifle. I further believe that the 30-06 rifle referred to in these messages is the same one that was recovered from PATTISON's bedroom by law enforcement authorities on November 13, 2020.

78. On or about October 24, 2020, PATTISON used the Facebook account ending in 1453 to communicate with Facebook user TRACY WATKINS. PATTISON sent a photograph and a message that read, "New toy . . . U see mine." The extraction report for PATTISON's cell phone shows that a photograph was sent, but the extraction did not capture the actual photograph. WATKINS responded, "Gun?? Looks quite deadly." PATTISON responded, "30 ot 6." Based on the contents and context of these messages, I believe that PATTISON sent a photograph of his 30-06 rifle to WATKINS. I further believe that the 30-06 rifle referred to in this message is the same one that was recovered from PATTISON's bedroom by law enforcement authorities on November 13, 2020.

79. On or about October 25, 2020, PATTISON used the Facebook account ending in 1453 to communicate with ROCHELLE NICOLE. PATTISON told ROCHELLE NICOLE, "Just so all the kids dont run in put the gun in ur trunk and I'll find something to put it in . . . Its wrapped ina towel right now." ROCHELLE NICOLE responded, "K" and then, "All done." Based on the contents and context of these messages, I believe that ROCHELLE NICOLE, at the direction of PATTISON, took a firearm and concealed it in the trunk of a car.

80. On or about October 27, 2020, PATTISON used the Facebook account ending in 1453 to communicate with O'SHIER. PATTISON sent a message, "What surprise do u have 4 me?" O'SHIER responded, "I'm taking my son to work and when I get back I'll send you a pic." PATTISON responded, "Alright . . . U got me thinking sir." O'SHIER replied, "Im sorry brother I shouldn't have built it up so strongly, it's just something that I want to give you." PATTISON asked, "What is it?" O'SHIER then sent several photographs to PATTISON. The extraction report for PATTISON's cell phone shows that photographs were sent, but the extraction did not capture the actual photographs. O'SHIER then stated, "I want you to have that". PATTISON stated, "Are u serious? Why?" O'SHIER responded, "Number one, I care about you and [R.P.] a lot I love you guys and I don't want to see you guys get hurt . . . And number two something finally came in yesterday." O'SHIER then sent several photographs to PATTISON with the message, "My Ruger 10/22." Again, the extraction report for PATTISON's cell phone shows that photographs were sent, but the extraction did not capture the actual photographs. PATTISON replied, "Fuck yahhhhhh . . . I got that 30 ot 6 no bullets so that would be a great help . . . I love u man that means so much to me . . . I'm tearing up right now." O'SHIER responded, "I was really really worried about you guys and I was tearing up too because I got real nervous for y'all . . . And then when Gretchen and I went to pick up the

rifle on Monday and I spent 40 hours in the place filling out digital paperwork and all that other crap I already knew what I was going to do . . . And I told Gretchen I said he has a 30 ought 6 with no bullets and what the f*** good is that going to do him and his family.” PATTISON then sent several audio files to O’SHER. The extraction report for PATTISON’s cell phone shows that the audio files were sent, but the extraction did not capture the actual audio files. In a subsequent Facebook message, PATTISON stated, “570 kings highway south. Be there 1010 1015 and put ur new toy in the trunk I’ll pop if we have to. UNLOADED I cant stress that enough.” Based on the content and context of these messages, I believe O’SHER stated that he was giving a firearm (believed to be the 12 gauge shotgun recovered by law enforcement authorities from PATTISON’s bedroom on November 13, 2020) to PATTISON because he wanted PATTISON to have it to protect himself and his family, and because O’SHER had just purchased a Ruger .22 caliber rifle. I further believe that O’SHER sent a photograph of the 12 gauge shotgun to PATTISON and that PATTISON arranged to meet O’SHER at 570 Kings Highway to take possession of the firearm.

81. On or about October 29, 2020, PATTISON used the Facebook account ending in 1453 to communicate with WATKINS. After trading messages about a shooting that happened in Webster, PATTISON sent a message stating, “Speaking of that just got another one,” and then sent a photograph. The extraction report for PATTISON’s cell phone shows that a photograph was sent to WATKINS, but the extraction did not capture the actual photograph. Based on the contents and context of these messages, and the messages exchanged between PATTISON and O’SHER on or about October 27, 2020, I believe that PATTISON was telling WATKINS about the firearm that O’SHER had given to him. I further believe that PATTISON sent a photograph of the firearm to WATKINS.

82. On or about October 30, 2020, PATTISON used the Facebook account ending in 1453 to communicate with WATKINS. PATTISON sent a Facebook message to WATKINS consisting of a photograph and the message, "Little 22," which I believe was a reference to the Ruger .22 caliber rifle that O'SHIER had purchased. WATKINS responded by saying, "Nice. You taking mikey [Pattison's son] out shooting?" PATTISON responded, "That's my buddy's [which I believe was a reference to O'SHIER] when we goto his land im guna." PATTISON then sent an audio message to WATKINS, in which he stated, "Yeah, that's not mine. That's my buddy's [referring to the .22 caliber rifle] . . . His aunt's got some land or something and when we go out there, I'll bring Mikey and teach him how to shoot the little 22. But the guns that I got, the shotgun, the 12, er, the 12 gauge and the 30 ot 6, so he's not gonna like that to start off with, trust me. That'll fucking scare the shit out of him." Based on the contents and context of these messages, I believe that PATTISON was telling WATKINS that he had a 12 gauge shotgun and 30-06 rifle. I further believe that the firearms referred to by PATTISON were the Winchester 12 gauge shotgun and 30-06 rifle recovered from PATTISON's bedroom by law enforcement authorities on November 13, 2020.

Discord Messages Relating to Firearms

83. A review of PATTISON's cell phone shows that he also used Discord – specifically the TARGET ACCOUNT – to discuss his possession and potential acquisition of firearms. Summaries of several relevant Discord messages are set forth below.⁹

⁹ The Discord messages contain numerous spelling and grammatical errors. I have included verbatim versions of those messages in this affidavit. In the interest of brevity and clarity, I have not identified or corrected those errors in the selected messages.

84. In October 2020, PATTISON and an individual with the Discord User name TAPMATO discussed firearms over the TARGET ACCOUNT. On or about October 19, 2020, the following exchange occurred between PATTISON and TAPMATO:

TAPMATO: Walmart has 12 target

PATTISON: I don't but guns on paper

TAPMATO: ammo. And I understand that bro. its all good. Just letting you know.

PATTISON: Thank u thank u Have you heard if anyone has a 12 for sale

TAPMATO: no not off the top of my head.

PATTISON: Alright well keep me in mind any guns really. And thank u for the info brother

TAPMATO: np [meaning "no problem"] bro. yeah im looking to build or buy a ar. But I dont want a paper trial either. its hard to find. And in ny body armor is a pain in the ass also.

In this series of messages, PATTISON stated that he was seeking to acquire a 12 gauge shotgun. When TAPMATO indicated that he did not know where PATTISON could get a 12 gauge shotgun, PATTISON expressed his interest in acquiring "any guns." TAPMATO responded that he was seeking to build or buy an AR-15 rifle, noting that he wanted to avoid a "paper trial," presumably to avoid detection by law enforcement authorities. Notably, PATTISON also stated that he does not buy "guns on paper," which I believe meant that he does not purchase guns legally because he is a prohibited person by virtue of his prior felony conviction.

85. On or about October 23, 2020, PATTISON and TAPMATO had the following exchange over the TARGET ACCOUNT:

PATTISON: Dont need bs armor to a cover a lil piece of chest and back its pointless in the skeem of things and yah kits would be great

TAPMATO: got my kits on its way. and armor.

PATTISON: What's a good place for kits u got a web site

TAPMATO: <https://palmettostatearmory.com/ar-15/kits.html>

After this series of messages, TAPMATO sent a Discord message consisting of a screenshot of the webpage "palmettostatearmory.com," which read "PSA 16" MIDLENGTH 5.56 NATO 1/7 NITRIDE 13.5" LIGHTWEIGHT M-LOK MFT MINIMALIST EPT RIFLE KIT WITH MBUS SIGHT SET."

TAPMATO then sent a Discord message stating, "got my kit it shipped within a week."

86. On or about October 24, 2020, PATTISON used the TARGET ACCOUNT to communicate with TAPMATO. PATTISON sent a message to TAPMATO stating, "Thank u". TAPMATO responded, "np [meaning "no problem"] bro. glad to see ya today." TAPMATO later sent a Discord message to PATTISON consisting of a photograph of a rifle kit in a shipping box and the text, "just got here. So under 2 weeks from ordering."

FACTS RELATING TO OBSTRUCTION OFFENSE

87. In a recorded phone call from the Monroe County Jail on November 13, 2020 (after his federal charges were made known to him), PATTISON, referring to "that chat thing we all get one," told R.P. to "tell them to delete it all." PATTISON continued, "I'm sure they [meaning federal law enforcement authorities] already got it but at the same time, fuck them. Don't keep giving them more shit. Don't sit there and keep talking either." Based on the contents and context of this conversation, I believe that PATTISON was directing R.P. to tell other members of their Discord group to delete all of their Discord messages and to discontinue communicating on Discord. I further believe that the reason PATTISON told the

members of the group to take these actions because he was aware that the Discord messages contain incriminating communications.

88. In another recorded phone call from the Monroe County Jail on November 14, 2020, PATTISON told R.P.to “call Earl because if they [meaning federal law enforcement authorities] have my phone, they got Discord . . . I mean it’s not like they are doing anything wrong but apparently it’s all wrong. I don’t know.” Based on the contents and context of this conversation, I believe that PATTISON was again stating his concern that federal law enforcement authorities have access to Discord because it contains incriminating evidence (although he also made a self-serving remark that they were not “doing anything wrong”). Subpoenaed records show that the TARGET ACCOUNT has not been accessed since October 29, 2020, the day before PATTISON’s arrest. Therefore, there is no reason to believe that the information and communications in the TARGET ACCOUNT have been deleted.

89. Based on the information in this affidavit, there is probable cause to believe that the TARGET ACCOUNT contains evidence, fruits and instrumentalities of violations of 18 U.S.C. §§ 371 (conspiracy to interfere with federally protected activities), 245(b)(2)(B) (interference with federally protected activities), 249(a)(1) (hate crime), 875(c) (interstate threat), 922(g)(1) (felon in possession of firearms and ammunition), and 1512(b)(2)(B) (obstruction of justice). Specifically, there is probable cause to believe that the TARGET ACCOUNT contains evidence of interstate threats made by PATTISON against ANTIFA and BLM, and individuals believed to be associated with those groups; PATTISON’s efforts to illegally obtain firearms and his illegal possession of firearms; a conspiracy between PATTISON and others to use force or threats of force to willfully injure, intimidate and interfere with a person

on account of their race and color¹⁰ because that person was participating in or enjoying a facility provided by the State of New York and/or a subdivision thereof, that is, the use of public streets in the City of Rochester and surrounding suburbs in Monroe County; PATTISON's acts of violence against individuals because of their actual or perceived race or color; and PATTISON's efforts to obstruct justice by directing his girlfriend to tell his associates and co-conspirators to delete incriminating messages and posts on from their Discord accounts, and by directing his girlfriend to lie to law enforcement authorities about the true owner of the firearms seized during the search warrant at 552 Church Road on November 12, 2020.

BACKGROUND INFORMATION REGARDING DISCORD

90. From my review of publicly available information provided by Discord about its service, including Discord's "Law Enforcement Guide," I have learned following about Discord and the information Discord collects and retains:

- a. Discord is a messaging platform where millions of users from around the world connect with each other through chat, voice, and video. Discord has both a desktop (PC, Mac, Linux) application and a mobile (iOS, Android) application. The service can also be accessed from the website directly at www.discordapp.com;
- b. Upon creating a Discord account, a Discord user must create a unique username and an account password and provide an email and Date of Birth. Users may also adjust various privacy and account settings for the account on Discord. This information is collected and maintained by Discord;
- c. A user can also become a paid subscriber of Discord;

¹⁰ As detailed herein, PATTISON was targeting individuals he believed to be involved or associated with ANTIFA and BLM. It should be noted that, in a Facebook chat on September 14, 2020, PATTISON stated, "I'm in a militia it's not race related at all BLM and Antifa are Marxists terrorist and there trying to start a race war but all these militias I've met and us are America first if ur a patriot ur welcome." Notwithstanding this statement, I submit that – based on PATTISON's use of racial slurs and references to the Racial Holy War in the messages summarized in this affidavit – PATTISON and his associates were motivated, at least in part, by race and/or color in targeting ANTIFA and BLM.

- d. Once a Discord account is created, users can create a server and invite their friends to join it with an invite link, or they can join an existing server. Servers are broken down into sub-categories or "channels" where users can connect with each other by either chatting or calling. Users can also communicate through direct messages, which are private chats created between 1-10 users. Discord users may send photos and videos to select individuals or within groups;
- e. Discord stores messages and attachments that users send to each other in text channels, whether it's in a server or in direct messages. Discord does not store the content of voice and video calls. If users delete content, that content is immediately deleted and is not retainable;
- f. Providers such as Discord typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (*i.e.*, session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account, and other log files that reflect usage of the account. In addition, providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the account;
- g. In some cases, account users will communicate directly with a provider about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Providers such as Discord typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

91. Based on my review of information provided by other law enforcement agents regarding their previous service of legal process on Discord, I know that Discord also maintains information concerning the activity of its users. Discord maintains attachments, which are files uploaded to Discord either by the user or someone the user was communicating with. Discord also maintains message content of messages between two or more users, and server content, which contain messages sent and received in the channels the

user was participating in. This content and transactional data may include an ID number of the message itself, the channel ID, a time-stamp of the message, the username, content of the message, and any attachments associated with the message. Discord also maintains the name of servers, the user ID of the server owner, and additional non-content identifying information identifying the users that this user communicated with.

92. The computers or servers of Discord are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Discord, such as account access information, transaction information, and account activation.

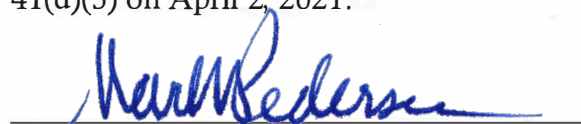
CONCLUSION

93. Based on the foregoing, I believe that probable cause exists to believe that the TARGET ACCOUNT contains information that constitutes records, fruits, instrumentalities, and evidence of crimes, to wit, violations of 18 U.S.C. §§ 18 U.S.C. §§ 371 (conspiracy to interfere with federally protected activities), 245(b)(2)(B) (interference with federally protected activities), 249(a)(1) (hate crimes), 875(c) (interstate threats), 922(g)(1) (felon in possession of firearms and ammunition), and 1512(b)(2)(B) (obstruction of justice), including the specific information and data set forth in Attachment B, PARTICULAR THINGS TO BE SEIZED. Accordingly, it is respectfully requested that the Court issue a warrant authorizing law enforcement officers to search the TARGET ACCOUNT, as described in Attachment A, for evidence of the above violations, as set forth in Attachment B, PARTICULAR THINGS TO BE SEIZED.



ADAM T. PARADOWSKI
Special Agent
FBI

Application submitted electronically by email in .pdf format. Oath administered and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on April 2, 2021.



HONORABLE MARK W. PEDERSEN
United States Magistrate Judge
Western District of New York